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In re Patent Application of:
Gavrilescu et al.

Application No.: 09/681,488

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Art Unit: 2157

For: WEB SITE COBROWSING

Examiner: A. M. Gold

APPEAL BRIEF

MS Appeal Briefs - Patents
Commissioner for Patents
P.O. Box 1450
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Sir:

As required under 37 C.F.R. § 41.37(a), this brief is in furtherance of the Notice of Appeal in this application filed on September 23, 2005. The fees required under 37 C.F.R. § 41.20(b)(2), and any required petition for extension of time for filing this brief and fees therefor, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF. Appellants note that the time period for filing this brief was reset in the Notice of Panel Decision from Pre-Appeal Brief Review on March 14, 2006.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 (August 12, 2004). The complete Table of Contents follows.

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I. REAL PARTY IN INTEREST

The real party in interest for this appeal is Microsoft Corporation, which is the assignee of record.

II. RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS

Appellants, appellants' legal representative, and the real party in interest are unaware of any related appeals, interferences, or judicial proceedings that may be related to, directly affect, be directly affected by, or have a bearing on the Board's decision in the present appeal.

Appellants note that a related case, divisional application Serial No. 10/975,612, is still pending at the Office.

III. STATUS OF CLAIMS

Claims 1-37 are currently pending in this application. These claims stand rejected under 35 U.S.C. § 103(a).

Claims 1-36 are the subject of the present appeal.¹ The text of these claims is attached hereto as Appendix A.

IV. STATUS OF AMENDMENTS

Appellants have made no amendments subsequent to the final rejection of May 27, 2005 (hereinafter referred to as the "Final Office Action").

V. SUMMARY OF CLAIMED SUBJECT MATTER**A. Overview of the Invention²**

Cobrowsing is a term used to describe an experience wherein one user that is browsing a web page with his or her web browser allows other users to view the same web

¹ Appellants are not appealing the rejection of claim 37 at this time to simplify the issues for this appeal. Appellants reserve the right to pursue this claim in a continuing application.

² Copies of the application currently in appellants' possession have inconsistent line and page numbers. For the convenience of the Board, appellants have therefore cited to paragraph numbers from the corresponding Patent Application Publication US 2002/0198941 A1.

page on their own web browsers. (Paragraphs 3, 28.) That is, when a first user performs an action in a browser during a cobrowsing session, e.g., by loading a web page, scrolling the web page, navigating to a link in the web page, etc., other users will see the same action on their own web browsers. Appellants' claimed invention relates to a technology that enables multiple client computers to establish a cobrowsing web session with one another. (Paragraph 8.) When a user of a first client performs actions in a browser during a cobrowsing web session, e.g., by scrolling a web page (paragraphs 16, 31), loading a web page (paragraph 30), highlighting a portion of a web page (paragraphs 16, 35), etc., other cobrowsing clients perform similar actions so that users of the cobrowsing clients can see the same actions on the web page as the first client. To ensure that the cobrowsing clients reflect the same results as the first client, synchronization messages are sent between the multiple client computers. (Paragraphs 8-15, 29-30, 41, Figure 2 blocks 206, 208.) One of the components of the synchronization message can be a cookie that is associated with a web page. (Paragraphs 49, 52 [XML schema], 53.) Because each of the cobrowsing clients may access a particular web site with a copy of the same cookie, each of the clients is able to view the same web page. (Paragraphs 49, 53.) The "sharing of cookies" is only necessary for those web pages that are customized based on a cookie. (Paragraph 49.)

B. Independent Claims on Appeal

The rejected independent claims are directed to technology that enables multiple client computers to establish a cobrowsing web session with one another. The independent claims are described as follows:

1. Claim 1

Claim 1 is directed to a method for a first user to cobrowse a web site with a second user. See, e.g., paragraph 8. A cobrowsing session of a web site is initiated between the first user using a first client and a second user using a second client. See, e.g., paragraph 29, Figure 2 block 202. A synchronization message is sent from the first client to the second client. See, e.g., paragraphs 29-30, 41, Figure 2 blocks 206-208. The synchronization message includes an indication of a cookie of the web site, wherein the

cobrowsing uses the indication of the cookie to access the web site. See, e.g., paragraphs 49, 52 (XML schema), 53.

2. Claim 23

Claim 23 is directed to a computer-readable medium having a computer program stored thereon that allows a first user to cobrowse a web site with a second user when executed on a processor. See, e.g., paragraph 8. A cobrowsing session of a web site is initiated between a first client of the first user and a second client of the second user. See, e.g., paragraph 29, Figure 2 block 202. A synchronization message is sent from the first client to the second client. See, e.g., paragraphs 29-30, 41, Figure 2 blocks 206-208. The synchronization message includes at least one command comprising an indication of a cookie of the web site, wherein the second client cobrowses the web site using the indication of the cookie to access the web site. See, e.g., paragraphs 49, 52 (XML schema), 53.

3. Claim 30

Claim 30 is directed to a computer-readable medium having a computer program stored thereon that allows a second user to cobrowse a web site with a first user when executed on a processor. See, e.g., paragraph 8. A cobrowsing session of a web site is initiated between a first client of the first user and a second client of the second user. See, e.g., paragraph 29, Figure 2 block 202. A synchronization message is received by the second client from the first client. See, e.g., paragraphs 29-30, 41, Figure 2 blocks 206-208. The synchronization message includes at least one command comprising an indication of a cookie, wherein the second client cobrowses the web site using the indication of the cookie when cobrowsing. See, e.g., paragraphs 49, 52 (XML schema), 53.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. The Examiner's Rejections

The Examiner has rejected all of the pending claims pursuant to 35 U.S.C. § 103(a) on the following bases:

1. The Examiner has rejected claims 1-3, 5-8, 10-13, 15, and 17-36 of the application over U.S. Patent No. 6,240,444 to Fin et al., in view of U.S. Patent No. 6,675,216 to Quatrano et al.
2. The Examiner has rejected claims 4 and 14 as being unpatentable over Quatrano in view of U.S. Patent No. 6,564,261 to Gudjonsson et al.
3. The Examiner has rejected claims 9 and 37 as being unpatentable over Fin and Quatrano in view of U.S. Patent No. 6,535,912 to Anupam et al.
4. The Examiner has rejected claim 16 as being unpatentable over Fin and Quatrano in view of U.S. Patent No. 6,006,253 to Kumar et al.

B. The Issues on Appeal

The sole issue on appeal is whether the applied references teach or suggest the sharing of a cookie between two clients for purposes of using the cookie to implement a cobrowsing session of a web site. The decision on this issue impacts pending claims 1-36.

VII. ARGUMENT

All of the pending claims have been rejected by the Examiner under 35 U.S.C. § 103(a) based on a combination of U.S. Patent No. 6,240,444 to Fin et al. (hereinafter "Fin") and U.S. Patent No. 6,675,216 to Quatrano et al. (hereinafter "Quatrano"), either alone or in combination with other references. Prior to distinguishing appellants' technology, a brief description of the Fin and the Quatrano references will be provided. As will be appreciated from the description, the Fin and Quatrano references disclose substantially different technologies to enable cobrowsing between multiple clients than the technology claimed by appellants.

A. The Fin Reference

As depicted in Figure 13, the Fin reference is directed to a web page sharing system. In the example depicted in Figure 13, a customer 1310 using a web browser 150 on a first computer is able to view the same application form 1350 as a bank agent 1320 using a web browser on a second computer. (Fin 19:34-53.) As depicted in Figure 1A,

cobrowsing is dependent upon a CCI redirector 145 and a message redirector 155 that shares CCI events (e.g., browser requests) and messages (e.g., keyboard input, operating system messages, and application messages) between more than one client. (See Fin 5:59–6:11.) As the Examiner indicates, however, "Fin fails to teach . . . the use of a cookie of the web site" that is being cobrowsed. (Final Office Action, page 3.)

B. The Quatrano Reference

The Quatrano reference is directed to a copy server for collaboration. (Quatrano 1:63-2:6.) As depicted in Figure 1, a first client using a user browser 14 can access and receive content from a content server 12, such as dynamic content that is generated by an application server 16. (*Id.* 3:3-17.) Copies of content accessed by the user browser 14 are stored in a copy server 24 as a copied page 28. (*Id.* 3:29-35.) Other clients, such as an agent browser 42, desiring to view the same content in a cobrowsing environment have direct access to the copied page 28 by communicating directly with the copy server 24. (*Id.* 3:61-67.) In this environment, cookies are not required for the agent browser 42 to see the same content as the user browser 14 because both the agent browser and the user browser are accessing the same copied page 28 on the copy server 24. Accessing the same stored content enables cobrowsing of the copied page to occur, even though the web page being viewed may have been dynamically created by the application server 16 for the user browser 14.

Quatrano describes the use of cookies in two contexts. In one context, Quatrano discloses a scheme to control access to the copied page 28 by distributing a unique cookie from the copy server 24 to the agent browser 42 and a different unique cookie from the copy server 24 to the user browser 14. (*Id.* 4:40-52.) Cookies distributed in this fashion are not used by the application server 16 to generate web pages, but instead are used by the system as a security mechanism to control access. (*Id.* 4:50-52.) In a second context, Quatrano discloses a bypass technique to allow a requesting browser 14 or 42 to directly communicate with the application server 16 in order to receive "cookies and other header information" directly from the application server. (*Id.* 5:12-17.) Cookies received in this

fashion are not being shared between browsers 14 and 42, and cookies are not being copied for accessing the application server 16.

C. Fin and Quatrano Do Not Disclose Cobrowsing Using a Shared Cookie

All of the pending independent claims recite sharing an indication of a cookie between clients for purposes of cobrowsing. For example, claim 1 provides for a synchronization message "indicating at least one command comprising an indication of a cookie of the web site" wherein "the indication of the cookie [is used] to access the web site." Claims 23 and 30 contain similar limitations.

None of the cited references discloses sharing an indication of a cookie for purposes of enabling access to a web site that is being cobrowsed. The Examiner relies upon the Fin reference to generally disclose technology to allow multiple users to share the same HTML page on the Internet. (Final Office Action, page 2.) The Examiner recognizes, however, that Fin fails to teach a limitation to use a cookie of the web site, and relies on Quatrano as a reference that discloses "the use of cookies...transmitted between collaborative computing devices." (Final Office Action, page 3.) The Examiner argues that it would have been obvious to one of ordinary skill in the art to modify Fin in view of Quatrano to use a cookie from a web site when cobrowsing, as doing so would "ensure that the user of the second client is seeing the same web pages as the user of the first client." (Final Office Action, pages 3-4.) Contrary to the Examiner's assertion, appellants believe that Quatrano fails to disclose or suggest an architecture that shares cookies in the manner disclosed by appellants, and that Fin and Quatrano either singly or together fail to disclose all elements of appellants' claimed system.

As previously discussed, Quatrano utilizes a copy server to store a web page for viewing by multiple clients. The copy server maintains a copy of a web page that was served to a first client, and allows other clients to view the same page by virtue of allowing them access to the copy. Because all clients view the same web page served by the copy server, there is no need for the system disclosed in Quatrano to share cookies between the first client and the other clients. Although an application server that generates an initial

copy of a web page may rely upon a cookie contained within a first client's browser to generate the page, once the page is stored in the copy server all subsequent clients viewing the page are not required to have a cookie since the page is not being regenerated by the application server. Quatrano and Fin do not disclose the sharing of an indication of cookies between clients for cobrowsing, nor do they teach the need to share an indication of cookies between clients for cobrowsing.

Moreover, what little discussion there is of cookies in Quatrano does not suggest a sharing of cookies in the manner claimed by appellants. Quatrano identifies two uses of cookies. The first use is for the copy server to distribute unique cookies to agent and user browsers so that the cookies may be used as a means to control access to who may view a copied page in the copy server. The distribution of a unique cookie by a server to each client for purposes of access control is different from appellants' claimed invention because: (1) appellants' clients share an indication of the same cookie, and do not each have a unique cookie; and (2) appellants share the indication of the cookie between clients, not from a server to a client. The second use of the cookies in Quatrano is in a "pass through" mode wherein cookies may be distributed from the application server directly to all participants' browsers. That is, the application server 16 may pass cookies directly to the user browser 14 or the agent browser 42 without having copies of the cookies stored in the copy server 24. When the participant's browser subsequently sends a request to the application server, the request includes the cookies. The response to the request includes a web page that is stored in the copy server 24. Another participant can access the web page at the copy server 24 and does not need the same cookies as the participant. In this pass through mode of operation, cookies are therefore distributed directly by the application server and not between the clients as claimed by appellants. Quatrano therefore does not disclose in its discussion of cookies the sending of a synchronization message between clients containing an indication of a cookie, nor does it teach a need to share an indication of a cookie between clients.

D. Obviousness Rejections Over Fin and Quatrano (Claims 1-3, 5-8, 10-13, 15, and 17-36)

Independent claims 1, 23, and 30, as well as claims 2-3, 5-8, 10-13, 15, 17-22, 24-29, 31-36 by virtue of their dependency, include the recitation of an indication of a cookie being shared in a synchronization message for purposes of enabling access to a web site being cobrowsed. Specifically, claim 1 provides for a synchronization message "indicating at least one command comprising an indication of a cookie of the web site" wherein "the indication of the cookie [is used] to access the web site." Claim 23 provides for a synchronization message "indicating at least one command comprising an indication of a cookie of the web site" wherein "the indication of the cookie [is used] when accessing the web site." Claim 30 provides for a synchronization message "indicating at least one command comprising an indication of a cookie" wherein the "indication of the cookie [is used] when cobrowsing." These claims should not be rejected because the combination of Fin and Quatrano does not teach or suggest sending a synchronization message between clients containing a cookie, and using the cookie to implement a cobrowsing session, as explained above in Section C.

E. Obviousness Rejections Over Fin, Quatrano, and Gudjonsson (Claims 4 and 14)

Claims 4 and 14 depend from independent claim 1, and contain the recitation in that claim of an indication of a cookie being shared in a synchronization message for purposes of enabling access to a web site being cobrowsed. For the reasons set forth in Sections C and D above, these claims should be allowed.

F. Obviousness Rejections Over Fin, Quatrano, and Anupam (Claim 9)

Claim 9 depends from independent claim 1, and contains the recitation in that claim of an indication of a cookie being shared in a synchronization message for purposes of enabling access to a web site being cobrowsed. For the reasons set forth in Sections C and D above, this claim should be allowed.

G. Obviousness Rejections Over Fin, Quatrano, and Kumar (Claim 16)

Claim 16 depends from independent claim 1, and contains the recitation in that claim of an indication of a cookie being shared in a synchronization message for purposes of enabling access to a web site being cobrowsed. For the reasons set forth in Sections C and D above, this claim should be allowed.

VIII. Summary

Appellants respectfully submit that the Examiner has failed to identify a combination of references that contains all of appellants' claim limitations. The Examiner has failed to show that Fin or Quatrano, either alone or in combination, discloses or suggests sending a synchronization message containing an indication of a cookie between clients to allow the clients to access and cobrowse a particular web site. Accordingly, appellants respectfully request reversal of the Examiner's rejections to claims 1-36.

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Respectfully submitted,

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CLAIMS APPENDIX

Claims Involved in the Appeal of Application Serial No. 09/681,488

1. (Previously Presented) A method for a first user to cobrowse a plurality of pages formatted according to one or more markup languages and organized into one or more web sites with a second user comprising:

initiating a cobrowsing session between a first client of the first user and a second client of the second user;

browsing a web site on the first client by the first user;

sending a synchronization message by the first client to the second client, the synchronization message indicating at least one command comprising an indication of a cookie of the web site;

receiving the synchronization message by the second client; and

cobrowsing the web site on the second client by the second user in accordance with the synchronization message, wherein the cobrowsing uses the indication of the cookie to access the web site.

2. (Original) The method of claim 1, further comprising repeating browsing on the first client, sending the synchronization message by the first client, receiving the synchronization message by the second client, and cobrowsing on the second client until the cobrowsing session is terminated.

3. (Original) The method of claim 1, wherein initiating the cobrowsing session between the first client of the first user and the second client of the second user is in accordance with a preexisting protocol.

4. (Original) The method of claim 3, wherein the preexisting protocol is the Session Initiation Protocol (SIP).

5. (Original) The method of claim 1, wherein browsing the web site on the first client by the first user comprises browsing a new page of the web site, such that the synchronization message indicates the current page being navigated as the new page.

6. (Original) The method of claim 5, wherein cobrowsing the web site on the second client by the second user comprises opening a new browser window for the current page where no other browser window is open for the cobrowsing session on the second client.

7. (Original) The method of claim 1, wherein browsing of the web site on the first client by the first user comprises scrolling within the current page at least one of vertically and horizontally such that the current relative position on the current page being navigated and viewed is changed, such that the synchronization message indicates the current relative position as changed, causing cobrowsing the web site on the second client by the second user to correspondingly scroll within the current page.

8. (Original) The method of claim 7, wherein the current relative position on the current page being navigated is indicated in accordance with a preexisting model specifying page layout.

9. (Original) The method of claim 8, wherein the preexisting model is the Document Object Model (DOM).

10. (Original) The method of claim 1, wherein the group of commands further comprises a portion of the current page being highlighted by the first user on the first client, such that the synchronization message indicates the portion of the current page being highlighted, causing cobrowsing the web site on the second client by the second user to correspondingly highlight the portion of the current page.

11. (Original) The method of claim 1, wherein the group of commands further comprises a change of focus from a first browser window to a second browser window by the first user on the first client, such that the synchronization message indicates the change of focus, causing cobrowsing the web site on the second client by the second user to correspondingly change focus from a first browser window on the second client to a second browser window of the second client.

12. (Original) The method of claim 1, wherein the group of commands further comprises a resizing of a browser window by the first user on the first client, such that the synchronization message indicates the resizing, causing cobrowsing the web site on the second client by the second user to correspondingly resize a browser window on the second client.

13. (Original) The method of claim 1, wherein sending the synchronization message and receiving the synchronization message are received in accordance with a preexisting protocol.

14. (Original) The method of claim 13, wherein the preexisting protocol is one of: the Session Initiation Protocol (SIP), and the Transmission Control Protocol/Internet Protocol (TCP/IP).

15. (Original) The method of claim 1, wherein the synchronization message is formatted in accordance with an extension to a preexisting protocol.

16. (Original) The method of claim 15, wherein the preexisting protocol is the Session Description Protocol (SDP).

17. (Original) The method of claim 1, further comprising terminating the cobrowsing session.

18. (Original) The method of claim 1, further comprising passing control of the cobrowsing session from the first client of the first user to the second client of the second user.

19. (Original) The method of claim 18, wherein the group of commands further comprises a transfer of control of the cobrowsing session from the first client to the second client, such that the synchronization message indicates the transfer of control.

20. (Original) The method of claim 18, wherein the group of commands further comprises a request to obtain control of the cobrowsing session by the second client from the first client, such that the synchronization message indicates the request to obtain control.

21. (Original) The method of claim 18, further comprising:
browsing a web site on the second client by the second user;
sending a synchronization message by the second client to the first client, the synchronization message indicating at least one command selected from the group of commands comprising: a current page of the web site being browsed on the second client by the second user and a current relative position on the current page being navigated and viewed by the second user on the second client;
receiving the synchronization message by the first client; and,
cobrowsing the web site on the first client by the first user in accordance with the synchronization message.

22. (Original) The method of claim 21, further comprising repeating browsing on the second client, sending the synchronization message by the second client, receiving the synchronization message by the first client, and cobrowsing on the first client until the cobrowsing session is terminated.

23. (Previously Presented) A computer-readable medium having a computer program stored thereon for execution by a processor of a first client to perform a method for a first user to cobrowse a plurality of pages formatted according to one or more markup languages and organized into one or more web sites with a second user, the method comprising:

initiating a cobrowsing session between the first client of the first user and a second client of the second user;

browsing a web site on the first client by the first user; and

sending a synchronization message by the first client to the second client, the synchronization message indicating at least one command comprising an indication of a cookie of the web site, wherein the second client receives the synchronization message and cobrowses the web site in accordance with the synchronization message and uses the indication of the cookie when accessing the web site.

24. (Original) The medium of claim 23, wherein the method further comprises repeating browsing the web site and sending the synchronization message until the cobrowsing session is terminated.

25. (Original) The medium of claim 23, wherein browsing the web site on the first client by the first user comprises browsing a new page of the web site, such that the synchronization message indicates the current page being navigated as the new page.

26. (Original) The medium of claim 23, wherein browsing of the web site on the first client by the first user comprises scrolling within the current page at least one of vertically and horizontally such that the current relative position on the current page being navigated and viewed is changed, such that the synchronization message indicates the current relative position as changed, causing cobrowsing the web site on the second client by the second user to correspondingly scroll within the current page.

27. (Original) The medium of claim 23, wherein the group of commands further comprises a portion of the current page being highlighted by the first user on the first client, such that the synchronization message indicates the portion of the current page being highlighted, causing cobrowsing the web site on the second client by the second user to correspondingly highlight the portion of the current page.

28. (Original) The medium of claim 23, wherein the group of commands further comprises a change of focus from a first browser window to a second browser window by the first user on the first client, such that the synchronization message indicates the change of focus, causing cobrowsing the web site on the second client by the second user to correspondingly change focus from a first browser window on the second client to a second browser window of the second client.

29. (Original) The medium of claim 23, wherein the group of commands further comprises a resizing of a browser window by the first user on the first client, such that the synchronization message indicates the resizing, causing cobrowsing the web site on the second client by the second user to correspondingly resize a browser window on the second client.

30. (Previously Presented) A computer-readable medium having a computer program stored thereon for execution by a processor of a second client to perform a method for a second user to cobrowse a plurality of pages formatted according to one or more markup languages and organized into one or more web sites with a first user, the method comprising:

initiating a cobrowsing session between a first client of the first user and the second client of the second user;

receiving a synchronization message by the second client from the first client, the synchronization message indicating at least one command comprising an indication of a cookie; and

cobrowsing the web site on the second client by the second user in accordance with the synchronization message and using the indication of the cookie when cobrowsing.

31. (Original) The medium of claim 30, wherein the method further comprises repeating receiving the synchronization message and cobrowsing the web site until the cobrowsing session is terminated.

32. (Original) The medium of claim 30, wherein the first user browses a new page of the web site on the first client, such that the synchronization message indicates the current page being navigated as the new page, and cobrowsing the web site comprises cobrowsing the new page.

33. (Original) The medium of claim 30, wherein the first user scrolls within the current page at least one of vertically and horizontally on the first client such that the current relative position on the current page being navigated and viewed is changed, such that the synchronization message indicates the current relative position as changed, and cobrowsing the web site comprises correspondingly scrolling within the current page.

34. (Original) The medium of claim 30, wherein the first user highlights a portion of the current page on the first client and the group of commands further comprises the portion of the current page being highlighted by the first user on the first client, such that the synchronization message indicates the portion of the current page being highlighted and cobrowsing the web site comprises correspondingly highlighting the portion of the current page.

35. (Original) The medium of claim 30, wherein the first user changes focus from a first browser window to a second browser window on the first client and the group of commands further comprises a change of focus from the first browser window to the

second browser window by the first user on the first client, such that the synchronization message indicates the change of focus and cobrowsing the web site comprises correspondingly changing focus from a first browser window on the second client to a second browser window of the second client.

36. (Original) The medium of claim 30, wherein first user resizes a browser window on the first client and the group of commands further comprises a resizing of the browser window by the first user on the first client, such that the synchronization message indicates the resizing and cobrowsing the web site comprises correspondingly resizing a browser window on the second client.

37. Not appealed.

EVIDENCE APPENDIX

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the Examiner is being submitted.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.